

pensation during continuance of unlimited national emergency declared by President on May 27, 1941, was repealed, effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, §2(a), 61 Stat. 451.

### § 102. Ailanthus trees prohibited

No more ailanthus<sup>1</sup> trees shall be purchased for or planted in the public grounds.

(R.S. §1830.)

#### CODIFICATION

R.S. §1830 derived from act Mar. 3, 1853, ch. 97, §1, 10 Stat. 207.

### § 103. Trees, shrubs, and plants, in greenhouses and nursery

On and after June 20, 1878, only such trees, shrubs, and plants shall be propagated at the greenhouses and nursery as are suitable for planting in the public reservations, to which purpose only the said productions of the greenhouses and nursery shall be applied.

(June 20, 1878, ch. 359, 20 Stat. 220.)

#### CODIFICATION

Section is based on Sundry Civil Appropriation Act June 20, 1878, fiscal year 1879.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

### § 104. Commission of Fine Arts

A permanent Commission of Fine Arts is created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this section shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said Commission and while attending the same.

(May 17, 1910, ch. 243, §1, 36 Stat. 371.)

<sup>1</sup> So in original. Probably should be "ailanthus".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 106 of this title.

### § 105. Secretary and executive officer

The officer in charge of public buildings and grounds shall be the secretary and shall act as the executive officer of the Commission of Fine Arts.

(June 25, 1910, ch. 384, 36 Stat. 728.)

#### CODIFICATION

Section is based on Sundry Civil Appropriation Act June 25, 1910, fiscal year 1910.

#### CROSS REFERENCES

Supervision of public buildings and grounds in the District of Columbia not otherwise provided by law, see section 19 of this title and note thereunder.

### § 106. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title.

(May 17, 1910, ch. 243, §2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; May 13, 1960, Pub. L. 86-461, 74 Stat. 128.)

#### AMENDMENTS

1960—Pub. L. 86-461 substituted "There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title" for "To meet the expenses made necessary by section 104 of this title an expenditure of not exceeding \$35,000 a year is authorized".

1955—Act May 25, 1955, increased amount authorized for annual expenses from \$10,000 to \$35,000.

### §§ 107, 108. Omitted

#### CODIFICATION

Section 107, act Mar. 3, 1899, ch. 458, §1, 30 Stat. 1377, related to control and jurisdiction of wharf property in District of Columbia. See D.C. Code, §9-101.

Section 108, act Mar. 3, 1899, ch. 458, §2, 30 Stat. 1378, related to District of Columbia wharf property and the authority to make rules and regulations relating to leases and rents. See D.C. Code, §9-102.

### §§ 109, 109a. Repealed. July 18, 1940, ch. 634, §§ 1, 2, 54 Stat. 764

Section 109, act July 18, 1940, ch. 634, §1, 54 Stat. 764, related to inspection of fuel in District of Columbia and repealed R.S. §§3711, 3712, 3713, from which section 109 was derived, but made no mention of acts Mar. 2, 1895, ch. 177, §6, 28 Stat. 808; Mar. 15, 1898, ch. 68, §6, 30 Stat. 316; June 10, 1921, ch. 18, §§301, 304, 42 Stat. 23, 24, which were amendments to R.S. §3711.

Section 109a, act July 18, 1940, ch. 634, §2, 54 Stat. 764, repealed those parts of acts Mar. 15, 1934, ch. 70, title I, 48 Stat. 438; May 14, 1935, ch. 110, 49 Stat. 234; June 23, 1936, ch. 725, 49 Stat. 1844; May 14, 1937, ch. 180, title I, 50 Stat. 154; Mar. 28, 1938, ch. 55, 52 Stat. 139, from which section 109a was derived, and which related to purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc., but failed to repeal act May 6, 1939, ch. 115, title I, 53 Stat. 674, and act Mar. 25, 1940, ch. 71, title I, 54 Stat. 69, which contained similar provisions. Similar provisions were also contained in Treasury Department Appropriation Acts of June 30, 1943, ch. 179, title I, 57 Stat. 262; Mar. 10, 1942, ch. 178, title I, 56 Stat. 161; May 31, 1941, ch. 156, title I, 55 Stat. 226. No subsequent act contained those provisions.

**§§ 110 to 112. Repealed. Oct. 31, 1951, ch. 654, § 1(85–87), 65 Stat. 704**

Section 110, act July 1, 1918, ch. 113, 40 Stat. 672, related to fuel storage and distributing yards in District of Columbia and authority of Secretary of the Treasury to select, purchase, contract for and distribute fuel required by the Federal and District of Columbia governments.

Section 111, act July 11, 1919, ch. 9, 41 Stat. 148, excepted naval establishments from operation of section 110 of this title except the naval hospital in District of Columbia.

Section 112, act July 19, 1919, ch. 24, 41 Stat. 200, related to authority of Secretary of the Treasury to contract for the purchase of fuel in advance of the availability of appropriations.

**§ 112a. Omitted**

CODIFICATION

Section, act Mar. 5, 1928, ch. 126, title I, 45 Stat. 186, related to payment of contracts for fuel for public buildings. See sections 474, 481, and 756 of this title.

**§ 113. Delivery of fuel for use during ensuing fiscal year**

The Administrator of General Services is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year.

(June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, §1, June 10, 1933.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 5, 1920, fiscal year 1920.

TRANSFER OF FUNCTIONS

Transfers of functions in respect to Government fuel yards by Executive Orders and act June 30, 1949, ch. 288, 63 Stat. 380, see sections 474, 481, and 756 of this title.

The authority of this section originally, by act June 5, 1920, was vested in Secretary of the Interior.

CROSS REFERENCES

Operation of fuel yards by Administrator of General Services or executive agencies, see section 481 of this title.

**§ 114. Repealed. Oct. 31, 1951, ch. 654, § 1(88), 65 Stat. 704**

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to payments by various branches of Federal service for fuel furnished, and method thereof. See section 756 of this title.

**§§ 115, 115a. Omitted**

CODIFICATION

Section 115, act Mar. 1, 1933, ch. 144, title III, 47 Stat. 1406, related to requirement that all moneys received from sales of fuel be credited to appropriation for operating expenses of fuel yard.

Section 115a, act Mar. 15, 1934, ch. 70, title I, 48 Stat. 438, related to purchases of coal and wood by government fuel yards and application of statutory requirements as to weighing etc.

**§§ 116, 117. Repealed. Oct. 31, 1951, ch. 654, § 1(85), (88), 65 Stat. 704**

Section 116, act July 1, 1918, ch. 113, 40 Stat. 673, prohibited use of any moneys appropriated in taking over or in any way interfering with the yards or coal dumps or other facilities for storage and distribution of coal that were used and occupied during the year preceding July 1, 1918, by coal dealers for supplying the general public.

Section 117, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to use of appropriations for maintenance and operation of fuel yard in District of Columbia for acquisition of land therefor and construction of a garage building thereon. See section 756 of this title.

**§ 118. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(25), formerly title V, § 502(a)(25), 63 Stat. 401; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583**

Section, act June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, §1, June 10, 1933, related to exchange of motor vehicles and other equipment used by fuel yards for new equipment. See section 471 et seq. of this title and section 251 et seq. of Title 41, Public Contracts.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1949, see section 505 of act June 30, 1949.

**§ 119. Repealed. Oct. 31, 1951, ch. 654, § 1(89), 65 Stat. 705**

Section, act June 5, 1920, ch. 235, 41 Stat. 913, related to hauling of sand, gravel, stone, etc., in trucks of Government fuel yards, and payment therefor. See sections 474, 481, and 756 of this title.

**§ 120. Omitted**

CODIFICATION

Section, act Aug. 30, 1890, ch. 837, §3, 26 Stat. 412, related to proceedings for acquisition of lands in District of Columbia. See D.C. Code, §16–1301 et seq., and notes set out under section 72 of this title.

**§ 121. Regulation of height, design, and construction of private and semipublic buildings adjacent to public buildings and grounds; building permits**

In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and